

REMARKS

The present Preliminary Amendment is introduced in response to the Advisory Action, issued April 15, 2003, to supplement applicant's Amendment under 37 C.F.R. §1.116 which was not entered but will now be made of record pursuant to the filing of the instant RCE application.

The issue of whether or not applicant's Amendment under 37 C.F.R. §1.116 introduced new matter into the application is made moot by the instant amendment of the claims wherein the composition claims, Claims 13-16, in which new matter was allegedly introduced, has been cancelled.

In view of the cancellation of the composition claims, the title of the application has been amended to delete reference to a composition.

It is noted that Claims 1, 9 and 20 have been amended to correct minor grammatical or typographical errors. Specifically, Claim 1 has been amended to correct a typographical error due to an excess close parenthesis as well as a grammatical error. Claim 9 has been amended to add the indefinite article --a-- prior to the word "dog." Claim 20 has been amended to correct the typographical error in the recitation of the chemical name of the compound to which generic Formula 1 is limited to in that claim. That is, a parenthesis has been replaced with a bracket so that the number of open and close brackets are equal. Clearly, none of these changes add new matter to the application.

With the instant amendment to the claims, applicant submits that the grounds of rejection remaining in this application are substantive in nature. Applicant further avers that the earlier remarks made in the Amendment under 37 C.F.R. §1.116 clearly overcome the rejection of Claims 1-9, 11, 12 and 17-21, under 35 U.S.C. §103(a), in view of O'Malley et al.

as well as the rejection of these same group of claims under the judicially created doctrine of obviousness-type double patenting over Claims 1 and 2 of U.S. Patent 5,538,984.

The above remarks and amendment make it clear that applicant has made an earnest effort to limit the claims of the present application to those clearly patentable over the rejection of record. Reconsideration and removal of the outstanding grounds of rejection is therefore deemed appropriate. Such action is respectfully urged.

The above amendment and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage to issue of these claims, Claims 1-9, 11, 12 and 17-21, is therefore respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Marvin Bressler", with a long horizontal flourish extending to the right.

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